

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
LESKOVAR) Group Art Unit: Unassigned
)
Serial No. Unassigned)
) Examiner: Unassigned
Filed: Concurrently)
)
For: "DRUGS AND METHODS FOR)
TREATING CANCER")

COMMUNICATION

BOX PATENT APPLICATION
Commissioner for Patents
Washington, D.C. 20231

NEEDLE & ROSENBERG, P.C.
Suite 1200, The Candler Building
127 Peachtree Street, N.E.
Atlanta, Georgia 30303-1811

March 1, 2002

Sir:

Prior to the issuance of an Office Action pertaining to the above-referenced patent application, please consider the following remarks.

REMARKS

Claims 1-9 are pending. Support for these claims can be found throughout the specification, for example, on page 3, lines 7-18; page 4, lines 6-9; and page 24, lines 9-17.

The claimed invention is described and enabled by the specification. Although it is not required, applicant submits herewith a Declaration, under 37 C.F.R. § 1.132, of Dr. Peter Leskovar which describes an accepted animal model method for treating cancer that supports the claimed invention.

The claimed invention comprises a method of treating cancer in a subject, comprising eliminating suppressor cells in the subject (see in the Declaration, page 2, second full paragraph), preactivating lymphocytes from the subject *ex vivo* (see page 3, second paragraph, where it is shown that donor mouse splenocytes are the equivalent of human activated lymphocytes), and injecting the activated lymphocytes into the subject, thereby treating the cancer (see page 5, first full paragraph). The data from the Declaration clearly show that the claimed method prolongs the life of subjects with cancer. Thus, there is a very strong basis for believing that the claimed invention will be effective for treating cancer.

Consideration of the Declaration and making the same of record in the prosecution of the above-noted application are respectfully requested.

No fee is believed to be due. However, the Commissioner is hereby authorized to charge any fees which may be required, or to credit any overpayment, to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.



Gwendolyn D. Spratt
Registration No. 36,016

NEEDLE & ROSENBERG, P.C.
Suite 1200, The Candler Building
127 Peachtree Street, N.E.
Atlanta, Georgia 30303-1811
404/688-0770

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as U.S. Express Mail Envelope No. EL924205666US in an envelope addressed to: Box Patent Application, Commissioner for Patents, Washington, D.C. 20231, on the date shown below.


David Thorpe

3-1-02
Date